



Crl.R.C.No.580 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.580 of 2024 and
Crl.M.P.No.5983 of 2024

M.T.Thomas

... Petitioner

Vs.

1.P.Soman

2.The State of Tamil Nadu,
Represented by the Public Prosecutor,
The Nilgiris.

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 r/w. 401 of Criminal Procedure Code, to set aside the orders dated 31.08.2023 passed by Sessions Court, Magalir Neethimandram (FTMC), Udhagamandalam, The Nilgiris in Crl.Appeal No.15 of 2021 confirming the order dt. 15.03.2021 passed by the learned Judicial Magistrate, Gudalur in S.T.C.No.3819 of 2007 and allow the above revision petition.

For Petitioner : Mr.S.Nandhini Devi

For Respondent : Ms.R.Vaishali

ORDER

The petitioner was convicted by the learned Judicial Magistrate, Gudalur (trial Court) in S.T.C.No.3819 of 2007 by judgment, dated 15.03.2021 and sentenced to undergo six months Simple Imprisonment and



to pay the cheque amount of Rs.1,90,000/- as compensation in default to undergo 2 months Simple Imprisonment for offence under Section 138 of the Negotiable Instruments Act, 1881. Challenging the same, the petitioner preferred an appeal before the learned Sessions Judge, Magalir Neethimandram (FTMC), Udthagamandalam (lower appellate Court) in Crl.A.No.15 of 2021 and the same was dismissed on 31.08.2023 confirming the judgment of the trial Court. Aggrieved over the same, the present criminal revision case is filed.

2.Gist of the case is that the petitioner approached the respondent/complainant and borrowed a sum of Rs.1,90,000/- for urgent business on 15.03.2007 and issued a postdated cheque bearing No.241562, dated 03.07.2007 drawn on Syndicate Bank, Gudalur Branch for the said amount. When the respondent presented the said cheque for collection on 08.10.2017 with his banker Syndicate Bank, Gudalur Branch, the same was dishonoured on the same day for the reason funds insufficient. Thereafter, the respondent issued a legal notice on 10.10.2007 calling upon the petitioner to pay the cheque amount. Despite receipt of the legal notice, the



petitioner failed to return cheque amount. Hence, the respondent filed the complaint against the petition in S.T.C.No.3819 of 2007. During trial, on the side of the respondent, he examined himself as PW1 and marked seven documents as Exs.P1 to P7. On the side of the petitioner/defence, two witnesses examined as DW1 & DW2 and two documents marked as Exs.D1 & D2. On completion of trial, the trial Court convicted the petitioner as stated above.

3.Though very many grounds raised by the learned counsel for the petitioner, now both the petitioner and the respondent entered into the compromise and they agreed to give quietus to the dispute between them. Out of cheque amount of Rs.1,90,000/-, now the respondent received Rs.60,000/- from the petitioner towards full and final settlement in S.T.C.No.3819 of 2007. The petitioner already deposited Rs.38,000/- to the credit of S.T.C.No.3819 of 2007 on the file of the trial Court and he has no objection for the respondent to withdraw the amount of Rs.38,000/-. Hence, he prays for setting aside the judgments of the Courts below.



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4.The learned counsel for the respondent confirmed the receipt of the amount as stated by the learned counsel for the petitioner. The respondent is agreed to quietus to the dispute between with the petitioner. To compound the offence, the respondent filed a petition under Section 147 of the Negotiable Instruments Act, 1881 in Crl.M.P.No.5983 of 2024 in Crl.R.C.No.580 of 2024 to withdraw the complaint and also produced the receipt for receiving the amount of Rs.60,000/- from the petitioner.

5.Today, the petitioner and the respondent are present before this Court. This Court had an enquiry with petitioner and the respondent. The respondent reaffirmed the compromise entered with the petitioner and filing of compounding petition. The scanned reproduction of the receipt, dated 23.11.2023 is as follows:



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WEB COPY

RECEIPT

I, Soman, S/o. Purushothaman, Aged 68 years, residing at Door No.20/444, First Mile, Gudalur, The Nilgiris received Rs.60,000/- from M.T.Thomas, S/o.Thomas, Aged 68 years, residing at Door No.7/ 744 G3A, Athippaly Post, Kalanpuzha, Gudalur, The Nilgirs, towards full and final settlement of cheque bounce case in STC No.3819/2007 of Hon'ble Judicial Magistrate, Gudalur and in Criminal Appeal No.15/2021 on the file of Hon'ble Sessions Judge Of Magalir Neethimandram, Udthagamandalam, filed by me against M.T.Thomas, S/o.Thomas, today (23.11.2023) in front of Witnesses.

Gudalur, 23.11.2023

 (SOMAN)

6.The respondent/complainant has filed compounding petition before this Court in Crl.M.P.No.5983 of 2024 in Crl.R.C.No.580 of 2024 invoking Section 147 of the Negotiable Instruments Act, 1881 to compound the offence and the same is ordered.



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7.In view of the above development and in the interest of both the parties not to keep these proceedings pending since it will affect their future life, this Court is inclined to compound the case.

8.In the result, the case between the petitioner and the respondent is compounded. Hence, the judgment of the trial Court, dated 15.03.2021 in S.T.C.No.3819 of 2007 and the judgment of the lower appellate Court, dated 31.08.2023 in Crl.A.No.15 of 2021 are set aside. The petitioner is acquitted of all the charges levelled against him. Accordingly, this Criminal Revision Case stands allowed.

9.The trial Court is directed to permit the respondent to withdraw the amount of Rs.38,000/- deposited by the petitioner in S.T.C.No.3819 of 2007. Notice to the petitioner is dispensed with since the petitioner has got no objection for withdrawn of the said amount.

28.03.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No

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To
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- 1.The Sessions Judge of Magalir Neethimandram (FTMC),
Udhagamandalam, The Nilgiris.
- 2.The Judicial Magistrate,
Gudalur.



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M.NIRMAL KUMAR, J.

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